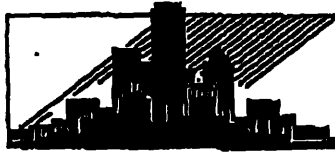


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December 10, 2004

Mr. Lawrence L. Calvert  
Deputy Associate General Counsel for Enforcement  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 5349

Mr. Calvert:

I am a counsel of record for the Minnesota Democratic-Farmer-Labor Party House Caucus ("Caucus") in the above referenced MUR.

As part of the Conciliation Agreement reached in this matter, the Caucus refunded the sum of \$5,000 to Vance K. Opperman, which sum the Commission had determined to be an excess contribution. In addition, the Caucus agreed to and did pay a civil penalty by reason of its acceptance of the excessive contribution. In doing so, it neglected to advise the Commission that the original contribution from Mr. Opperman had been intended for the Caucus' non-federal (i.e., Minnesota) account, but had been deposited, inadvertently, in its Federal account and reported as a Federal contribution.

The House DFL Caucus has just learned that the Commission has found reason to believe that Vance K. Opperman violated 441a(a)(1)(C) but took no further action other than a letter of admonishment. See attached letter from Lawrence L. Calvert, Jr. to Tony P. Trimble dated November 4, 2004. The House DFL Caucus does not believe that Mr. Opperman violated the cited statute because it was his intention that this contribution was to be made to the Caucus' non-federal account and not to its Federal account. It was solely the Caucus' error in depositing the contribution into the wrong account that resulted in the violation. It was the Caucus' obligation to correctly deposit and report the contribution per the contributor's intention. It did not do so and has accepted the legal consequences of that error. That should not, however, be the basis for the Commission's conclusion of a violation by Mr. Opperman.

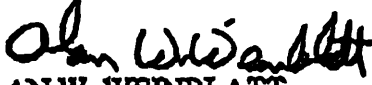
The purpose of this letter is not to reopen the MUR or the Conciliation Agreement. Nor is it to seek any relief for itself from the FEC. Rather, the sole purpose of this letter is to address what clearly is a factual error regarding Mr. Opperman's contribution.

Mr. Lawrence L. Calvert  
December 10, 2004  
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Could you please advise the undersigned if the Commission was aware of Mr. Opperman's lack of any culpability at the time that it made its determination of "reason to believe" in his case?

I am prepared to respond to any questions that you may have regarding this request.

Thank you.

  
ALAN W. WEINBLATT  
FOR  
WEINBLATT & GAYLORD, PLC

AWW:kq  
Encl.